

REMARKS

Claims 15-17 were pending. Claims 15-17 have been canceled. Claims 18-23 have been added. Support for these new claims may be found in the specification, *inter alia*, as follows: claim 18, in originally-filed claim 1; claim 19, on paragraphs 119-121 and 242, 128, 251, 261 and 266; claim 20 on paragraph 267; claim 21 on paragraphs 242, 128, 251, 261 and 266; claim 22 on paragraph 267; claim 23 on paragraph 266. This amendment adds no new matter. Entry of this amendment is requested such that claims 18-23 will be pending.

The Notice alleges that claims 15-17 are a distinct invention from canceled claims 1-14. The Examiner alleges that claims 15-17 are related to the originally-filed claims as product and process and that claims 15-17 are a distinct invention because the product of claim 1 can be allegedly used for a materially different process of forecasting the financial risk of lenders.

Applicants traverse this ground of rejection. Nevertheless, without conceding the correctness of this ground of rejection, applicants have canceled claims 15-17 to expedite allowance of the claims.

New claim 18 corresponds to originally-filed claim 1 except that it additionally recites "wherein the tree model comprises one or more nodes representing metagenes predictive of lymph node metastasis, and one or more nodes representing clinical risk factors." Claim 18 is not a separate invention from originally claim 1, but rather one embodiment of it.

New claims 19 and 21 depend from claim 18. It would not pose an undue burden on the Examiner to additionally search claims 19 and 21, together with claim 18, because claims 19 and 21 incorporate all the claim elements of claim 18. Because no undue burden is imposed, the restriction of claims 19 and 21 from claim 18 would be improper. Applicants also note that under Ochiai/Brouwer (See MPEP 806.05(h)), the Examiner must rejoin any process claims, upon finding allowability of the product claim, so long as the process claims are commensurate in scope with the product claim. In the present case, claim 21 is commensurate with the scope of claim 18 since it depends from it and thus incorporates all of its features.

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Amendment dated March 29, 2007
Reply to Office Action of February 27, 2007

Docket No.: DU-P02-002

CONCLUSIONS

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, from which the undersigned is authorized to draw, under Order No. DU-P02-002.

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Respectfully submitted,

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